

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MODULUS-X PRECISION MACHINING
LTD.,

Plaintiff,

v.

MODTRUSS, INC.,

Defendant,

and DOES 1-10, INCLUSIVE,

Defendants.

Case No. 1:24-cv-04377-ELR

MODTRUSS, INC.,

Counterclaim Plaintiff,

v.

MODULUS-X PRECISION MACHINING
LTD.; KEY RIGGING EQUIPMENT LTD.;
and DEAN COLLINS,

Counterclaim Defendants.

[PROPOSED] ORDER

The Court, having read and fully considered Counterclaim Defendants' Motion to Dismiss, it is hereby ORDERED that the Motion is GRANTED. It is hereby ORDERED (i) that the Lanham Act Counterclaims (Counts 1-3) and remaining state law Counterclaims (Counts 4-10) are dismissed pursuant to Federal

Rule of Civil Procedure 12(b)(1) and 28 U.S.C. § 1367(c)(3) for lack of subject matter jurisdiction, (ii) that Mr. Dean Collins and Key Rigging Equipment Ltd. are dismissed pursuant to Federal Rule of Civil Procedure 12(b)(2) for not being subject to personal jurisdiction in this Court, (iii) that Counterclaims 1-7 are dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6), without prejudice, for failure to state a claim upon which relief can be granted/Federal Rule of Civil Procedure 12(b)(1) and 28 U.S.C. § 1367(c)(3), and (iv) that Counterclaims 8-10 are dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6), with prejudice, for failure to state a claim upon which relief can be granted/Federal Rule of Civil Procedure 12(b)(1) and 28 U.S.C. § 1367(c)(3).

So ordered, this _____ day of _____, 2025.

The Honorable Eleanor L. Ross
United States District Court
Northern District of Georgia